

Attachment 1

RESOLUTION 24-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES AWARDING CONTRACTS AND A CHANGE ORDER FOR THE CONSTRUCTION, CONSTRUCTION MANAGEMENT SERVICES, AND CONSTRUCTION PHASE ENGINEERING FOR THE FIBER OPTIC CONNECTIVITY PROJECT

WHEREAS, on August 4, 2020, City Council approved [Resolution 20-130](#), authorizing the City Manager to submit a grant application to the Economic Development Agency (EDA) for the installation of high-speed, fiber optic internet connectivity in key corridors throughout the City; and

WHEREAS, the total for this project is \$3,537,447, of which the EDA Grant is \$2,829,958, with a City match of \$707,489; and

WHEREAS, on May 17, 2022, City Council authorized a contract to Cannon Corp. to prepare bid ready construction plans for the fiber optic project; and

WHEREAS, initial construction estimates prepared for the entire project were more than the available Grant. The EDA Grant administrator directed city staff to prepare the bid with a base bid with bid additives. The project was advertised with 20 base bid items and 17 bid additives. At the bid opening on November 9, 2023, only one bid was received by Leo Tidwell with a base bid of \$2,091,598.43. The engineer's estimate for the base bid was \$2,850,000; and

WHEREAS, city staff reviewed the bid from Leo Tidwell and found it to be a responsive and responsible bid. In addition, the bid additives Nos. 1 through 5, 8, and 12, may be included for a total contract amount of \$2,304,466.61; and

WHEREAS, the EDA Grant allows the City to engage the services of a consultant to assist with construction management. To that end, the City issued a request for proposal (RFP), to consultant firms to provide these services. Omni Design Incorporated was selected as the most qualified and best fit for the City's needs at a cost of \$352, 510; and

WHERE AS, on May 17, 2022, City Council authorized a contract to Cannon Corporation to prepare bid documents for the fiber optic project. Cannon will need to provide construction phase engineering services. Their fee for this phase is \$111,460 and

WHEREAS, the RFP solicitation for design services, which was eventually awarded to Cannon, included construction phase engineering. Since the project had yet to be designed, it was difficult to project a fee for this phase. Cannon has submitted the construction phase scope of work with a fee of \$111,460. The City's Purchasing Policy allows for change orders up to 25% of the contract amount for contracts between \$150,000 and \$500,000. The City Council approved \$494,068 to Cannon as part of that design service RFP solicitation, and the contract for \$111,460 for Cannon can be approved as a change order consistent with City's Purchasing Policy.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

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Section 2. Authorize the City Manager to enter into the following contracts: a) Leo Tidwell for the project construction contract, in the amount of \$2,304,466.61; b) Omni Design Incorporated for construction management services contract, in the amount of \$352,510; and c) Cannon Corporation for construction phase engineering services contract, in the amount of \$111,460, as a change order.

Section 3. The City finds that this action is categorically exempt from the California Environmental Quality Act ("CEQA") under the Class 1 exemption, which applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing structures, facilities, mechanical equipment, or topographical features where the project involves negligible or no expansion of existing or former use (State CEQA Guidelines Section § 15031), and applies to the planned installation of fiber optic cable.

APPROVED this 6th day of February, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John R. Hamon, Jr., Mayor

ATTEST:

Melissa Boyer, City Clerk